

## **REMARKS**

In response to the final office Action dated July 19, 2010, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited documents.

Claims 2-8, 10-12, 14-16, and 18-20 are pending in this application. Independent claim 1 was withdrawn due to restriction and now canceled without prejudice or disclaimer. Claims 9, 13, and 17 have also been canceled without prejudice or disclaimer.

### **Rejection of Claims under § 112**

The Office rejected claims 2-8, 10-12, 14-16, and 18-19 under 35 U.S.C. § 112, first paragraph, for failing the written description requirement.

The Office is respectfully requested to remove this rejection. Independent claim 2 has been amended to delete “segmentation.” Independent claim 8 has been amended to recite “*accepting the bid*,” as Examiner Antonienko suggests. The remaining rejected claims depend from either independent claim 2 or 8. Because the offending claim language has been deleted, the Office is respectfully requested to remove the rejection.

### **Rejection of Claims 2-5 under § 103 (a)**

The Office rejected claims 2-5 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2002/0146102 to Lang in view of U.S. Patent 5,970,121 to Homayoun and further in view of U.S. Patent 6,856,963 to Hurwitz.

These claims, though, are not obvious over *Lang* with *Homayoun* and *Hurwitz*. These claims have been amended to recite, or to incorporate, features that are not disclosed or

suggested by the combined teaching of *Lang* with *Homayoun* and *Hurwitz*. Independent claim 2, for example, recites “*receiving ... a service provider rating from a recipient of the data service indicating whether the data service was satisfactorily provided by the service provider*” (emphasis added). These features are supported by at least paragraph [0014] of the as-filed application.

At least these features are not obvious over *Lang* with *Homayoun* and *Hurwitz*. *Lang* discloses competitive bidding for telecommunications services. See U.S. Patent Application Publication 2002/0146102 to *Lang* at [0009], [0016], [0017], and [0060]. *Homayoun* allows parties to a call to provide feedback to the local service provider. See U.S. Patent 5,970,121 to *Homayoun* at column 3, lines 38-42 and at column 4, lines 3-10. After the call is completed, each local switch couples the local line to the local service provider’s database. See *id.* at column 5, lines 45-50. A feedback compiler interprets feedback responses. See *id.* at column 6, lines 5-10. *Hurwitz* uses a buyer’s and seller’s “reputation” to establish trust in electronic transactions. See U.S. Patent 6,856,963 to *Hurwitz* at column 2, lines 15-25. Reputations may be displayed in an auction website. See *id.* at column 4, lines 15-25. Still, though, *Lang* with *Homayoun* and *Hurwitz* fails to teach or suggest all the features of independent claim 1.

Claims 2-5, then, are not obvious over *Lang* with *Homayoun* and *Hurwitz*. Independent claim 1 recites many features for “*receiving ... a service provider rating from a recipient of the data service indicating whether the data service was satisfactorily provided by the service provider*” (emphasis added). The proposed combination of *Lang* with *Homayoun* and *Hurwitz*, in contradistinction, would provide feedback on a “call by call” basis, as *Homayoun* explains numerous times. Claims 2-5, then, cannot be obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

**Rejection of Claims 6 & 18 under § 103 (a)**

The Office rejected claims 6 and 18 under 35 U.S.C. § 103 (a) as being obvious over *Lang* with *Homayoun* and *Hurwitz* and further in view of U.S. Patent Application Publication 2003/0055723 to English.

Claim 6, though, cannot be obvious. Claim 6 depends from independent claim 2, so dependent claim 6 incorporates the distinguishing features discussed above. As the above paragraphs explained, *Lang* with *Homayoun* and *Hurwitz* fails to teach or suggest all the features recited by independent claim 2, and *English* does not cure the deficiencies. *English* describes “thumbs up” and “thumbs down” icons to rate vendors. Still, though, the proposed combination fails to teach or suggest all the features of independent claim 2, from which claim 6 depends.

Claim 18 also distinguishes. Claim 18 depends from independent claim 8. Independent claim 8 also recites “*receiving at the auction moderator a service provider rating from a recipient of the block of time of data service that indicates whether the recipient was satisfied*” (emphasis added). The proposed combination of *Lang* with *Homayoun*, *Hurwitz*, and *English* provide feedback on a “call by call” basis, as *Homayoun* explains numerous times.

Claims 6 and 18, then, are not obvious. Independent claims 2 and 8 recite distinguishing features, and dependent claims 6 and 18 incorporate these distinguishing features and recite additional features. One of ordinary skill in the art would not think that claims 6 and 18 are obvious, so the Office must remove the § 103 (a) rejection of these claims.

#### **Rejection of Claim 7 under § 103 (a)**

The Office rejected claim 7 under 35 U.S.C. § 103 (a) as being obvious over *Lang* with *Homayoun* and *Hurwitz* and further in view of U.S. Patent Application Publication 2002/0112060 to Kato and still further in view of U.S. Patent 6,728,267 to Giese, *et al.* Claim 7, though, depends from independent claim 2, so claim 7 incorporates the same distinguishing features. As the above paragraphs explained, *Lang* with *Homayoun* and *Hurwitz* fails to teach or suggest all the features recited by independent claim 2, and the additional teachings of *Kato* and

*Giese* does not cure the deficiencies. One of ordinary skill in the art would not think that claim 7 is obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of claim 7.

**Rejection of Claims 8, 10-16 & 20 under § 103 (a)**

The Office rejected claims 8, 10-16, and 20 under 35 U.S.C. § 103 (a) as being obvious over *Lang* and *Kato* in view of U.S. Patent 6,535,592 to *Snelgrove* and further in view of *Hurwitz*.

These claims, though, are not obvious over *Lang* with *Kato*, *Snelgrove*, and *Hurwitz*. These claims have been amended to recite, or to incorporate, features that are not disclosed or suggested by the combined teaching of *Lang* with *Kato*, *Snelgrove*, and *Hurwitz*. As the above paragraphs already explained, independent claim 8 recites “receiving at the auction moderator a service provider rating from a recipient of the block of time of data service that indicates whether the recipient was satisfied” (emphasis added). Independent claim 20 recites similar features.

At least these features are not obvious over *Lang* with *Kato*, *Snelgrove*, and *Hurwitz*. The proposed combination of *Lang* with *Kato*, *Snelgrove*, and *Hurwitz* receives notifications of transaction events from a “trusted intermediary.” See U.S. Patent 6,856,963 to *Hurwitz* at column 2, lines 41-44 and at lines 60-63. See also *id.* at column 3, lines 24-40. As transaction “events” progress, the trusted intermediary receives “notifications” of each event. See *id.* at column 4, lines 30-35. Still, though, the proposed combination of *Lang* with *Kato*, *Snelgrove*, and *Hurwitz* fails to teach or suggest “a service provider rating from a recipient of the block of time of data service that indicates whether the recipient was satisfied” (emphasis added).

Claims 8, 10-16, and 20, then, are not obvious over *Lang* with *Kato*, *Snelgrove*, and *Hurwitz*. Independent claims 8 and 20 recite many distinguishing features, and their dependent claims incorporate these same features and recite additional features. These claims, then, cannot

be obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

**Rejection of Claim 18 under § 103 (a)**

The Office also rejected claim 18 under 35 U.S.C. § 103 (a) as being obvious over *Lang* with *Snelgrove*, *Hurwitz*, and *English*. Claim 18, however, depends from independent claim 8 and, thus, incorporates the same distinguishing features. One of ordinary skill in the art would not think that claim 18 is obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of claim 18.

**Rejection of Claim 19 under § 103 (a)**

The Office rejected claim 19 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Lang* with *Snelgrove*, *Hurwitz*, *Kato*, and *Giese*. Claim 19, though, depends from independent claim 8, so claim 19 incorporates the same distinguishing features. One of ordinary skill in the art would not think that claim 19 is obvious.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

**37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being electronically transmitted via the USPTO EFS web interface on October 19, 2010.

A handwritten signature in black ink, appearing to read "Scott P. Zimmerman". The signature is stylized with large, sweeping loops and a prominent "S" at the beginning.

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